

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

(1) APMC, INC., d/b/a A PLUS)	
MEDICAL OF OKLAHOM,)	
)	
Plaintiff,)	
)	
v.)	Case Number: CIV-08-0249-F
)	
(1) MICHAEL FOGARTY, Chief)	
Executive Officer of the Oklahoma)	
Heath Care Authority; (2) LYNN)	
MITCHELL, M.D., State Medicaid)	
Director; (3) KELLY SHROPSHIRE,)	
Auditor for the Oklahoma Health Care)	
Authority, sued in their official and)	
Individual capacities,)	
)	
Defendants.)	

NOTICE OF RELATED CASE

COMES NOW the Defendant, Oklahoma Health Care Authority (“OHCA”) by and through their attorneys of record, Christopher J. Bergin and Nicole M. Nantois, and pursuant to Local Civil Rule 3.7 provides notice to this Court of a related cause of action filed by Plaintiff, APMC, Inc., d/b/a A Plus Medical of Oklahoma.

1. Plaintiff filed this action on March 7, 2008, in the United States District Court for the Western District of Oklahoma alleging, *inter alia* that they sustained economic damages as a result of the acts or omissions of the OHCA and certain individuals employed by the agency.

2. Plaintiff has sued the individual persons, employed by OHCA, in both their individual and official capacities.

3. Defendant filed a Motion to Dismiss herein on Marcy 31, 2008, which has

been fully briefed and is pending in this court for determination.

4. Subsequently, on May 5, 2008, Plaintiff herein instituted an administrative appeal of the very determination contract termination, by the OHCA, which is the underlying premise of the instant pending case.

5. The issues and parties in the Administrative Appeal are identical to the issues and parties presently before this Court in the instant case.

WHEREFORE, Defendant, OHCA, respectfully provides notice to this Court pursuant to Local Civil Rule 3.7 of the aforementioned related case filed by Plaintiff herein before the Oklahoma Health Care Authority which may by further appeal, result in a cause to be heard on review before the Oklahoma County District Court of the State of Oklahoma.

<u>s/Christopher J. Bergin OBA#13897</u>	<u>03/31/08</u>
Signature	Date
<u>Christopher J. Bergin</u>	
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I hereby certify that on 10th day of June, 2008, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing. Based on the records currently on file, the Clerk of Court will transmit a Notice of Electronic Filing to the following ECF registrants:

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s/Christopher J. Bergin